

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

48169.00016/P0011089.00

First named inventor: William F. Kaemmerer

Application No.: 10/721,693

Art Unit: 1635

Filed: November 25, 2003

Examiner: Louis Wollenberger

Title: Treatment of Neurodegenerative Disease Through Intracranial Delivery of siRNA

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Amendment and Response (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith. 10/03/2007 EAYALEW1 00000011 501943 10721693

03 FC:1453 1540.00 DA

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

October 1, 2007

Date

Shahnam Sharareh

Typed or printed name

59,040

Registration Number, if applicable

Fox Rothschild LLP

Address

(609) 844-3020

Telephone Number

997 Lenox Drive, Building 3, Lawrenceville, NJ 08648

Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Transmittal, Extension of Time, RCE, Attachments 1-5 and Postcard.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as ~~first class~~ ^{Express} mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

October 1, 2007

Date

Signature

Cheryl L. Powell

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kaemmerer, William F

Application No.: 10/721,693

Filed: November 25, 2003

For:
TREATMENT OF NEURODEGENERATIVE
DISEASE THROUGH INTRACRANIAL
DELIVERY OF siRNA

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Group Art Unit: 1635

Examiner: Louis Wollenberger

X

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE THE INSTANT APPLICATION UNDER 37 C.F.R. § 1.137 (B)
AS HAVING BEEN ABANDONED DUE TO UNINTENTIONAL DELAY

Dear Sir:

Pursuant to 37 C.F.R. § 1.137 (b), Applicant are filing this petition for the revival of the instant application following the receipt of the Notice of Abandonment issued on September 20, 2007.

BACKGROUND

This application was filed on November 25, 2003. The application was under a Final Rejection issued on January 05, 2007. On March 28, 2007, Applicant, Dr. William Kaemmerer, and his representatives conducted a personal interview with Examiners Wollenberger and McGarry to resolve pending issues. On June 05, 2007, Applicant submitted an After-Final Response and contacted Examiner Wollenberger to inform him of the submission. On July 10, 2007, Examiner Wollenberger issued an Advisory Action and a Notice of Non-Compliant Amendment contending that Applicant's June 5th submission would not place the application in

condition for allowance and that the claims 85 and 89 were improperly withdrawn. (Exhibit 1). During a telephonic interview on July 16, 2007, the Examiner indicated that the Application is abandoned. On September 26, 2007, Applicant received the Notice of Abandonment. (Exhibit 2).

DISCUSSION

Applicant states that at the time of the filing of the After-Final Response dated June 5, 2007, Applicant contacted Examiner Wollenberger telephonically and explained, in good faith, the nature of the claim amendments and the status of the claims at the time. Applicant's Representatives also asked the Examiner that in the case of any unfavorable decision, he would inform the Applicant before the 6 month date from the issuance of the Final Rejection is lapsed. Applicants' representative expressed Applicant's intention to keep the case alive. However, the Examiner did not issue an Advisory Action until July 10, 2007, five days after the 6-month period had lapsed. Applicant did not receive the Action until July 13, 2007.

Applicant hereby states that the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional. (See Form PTO/SB/64).

AUTHORIZATION OF THE PETITION FEE

We authorize withdrawal of the petition fee set forth in 37 C.F.R. 1.17 (i) or (m) and any fees under 37 C.F.R. §§ 1.16-1.21 that are deemed to be necessary for any reason relating to the instant material from Fox Rothschild, LLP Deposit Account No. 50-1943.

CONCLUSION

Applicants believe that the requirements of the regulation is satisfied. Accordingly, Applicants respectfully request revival of the instant application under either 37 C.F.R. § 1.137 (b).

Date: October 1, 2007

Respectfully Submitted

By 

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,693	11/25/2003	William F. Kaemmerer	48169.00016/P0011089.00	3964
<div>67676 7590 07/10/2007</div> <div>FOX ROTHSCHILD, LLP</div> <div>997 LENOX DRIVE</div> <div>LAWRENCEVILLE, NJ 08648</div>				
<div>EXAMINER</div> <div>WOLLENBERGER, LOUIS V</div>				
<div>ART UNIT PAPER NUMBER</div> <div>1635</div>				
<div>MAIL DATE DELIVERY MODE</div> <div>07/10/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/721,693

Applicant(s)

KAEMMERER, WILLIAM F.

Examiner

Louis V. Wollenberger

Art Unit

1635

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 10, 14, 24, 25 and 85-89.
Claim(s) withdrawn from consideration: 2-4, 6-8, 11-13, 15-18, 20-23 and 26-84.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


J. DOUGLAS SCHULTZ, PH.D.
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: New claims 90-98 have been added without cancelling a corresponding number of finally rejected claims. The new claims contain limitations not previously considered, requiring further considerations and searches. Additionally, Applicant's reply does not point out the specific distinctions believed to render the newly presented claims patentable over the applied references, as required by 37 CFR §1.111(b). Applicant discusses support for new claims 90 and 98 at pages 16-17 of the Remarks and states claim 98 distinguishes over McCaffrey et al. However, McCaffrey et al. has not been cited against the claims and the remarks do not point out how the new claims overcome the rejections of record.

It is noted, however, that the proposed amendments to claim 1, if entered, would overcome the current rejection of record under 35 USC §103 (pp. 11-18 of the Action mailed 1/5/07) inasmuch as the prior art searched to date does not teach or suggest siRNAs comprising SEQ ID NO:1 or 2. However, the claim amendments have not been entered for the reasons given above. Therefore, the claims remain rejected for the reasons of record.

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner notes that where a reply to a final action has otherwise placed the application in condition for allowance, the failure to cancel claims drawn to the nonelected invention(s) not eligible for rejoinder or to take appropriate action will be construed as authorization to cancel these claims by examiner's amendment and pass the application to issue after the expiration of the period for reply (MPEP 821.01).

However, in the instant case, this course of action would not be appropriate, because while Applicant's proposed amendment to independent claim 1 would overcome the current rejection under 35 USC 103 as applied to claims 1, 10, 14, 24, 25, 86, and 87, the application contains claims drawn to an invention nonelected with traverse. Ordinarily, a complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. Aside from this issue, the proposed after-final amendment adds new claims 90-98, which may read on the elected invention but have not received an examination on the merits. Accordingly, the application as a whole is not in condition for allowance. Finally, claims 85 and 88 as presented in the after-final amendment would be objected to because the claims are indicated as withdrawn, when in fact the claims are under final rejection and are drawn to elected subject matter.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/721,693

Examiner

Louis V. Wollenberger

Applicant(s)

KAEMMERER, WILLIAM F.

Art Unit

1635

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 05 June 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated: Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

J. DOUGLAS SCHULTZ, PH.D.
SUPERVISORY PATENT EXAMINER

Legal Instruments Examiner (LIE), if applicable Telephone No.

Continuation of 4(e) Other: Claims 85 and 88 are indicated by Applicant as withdrawn. However, claims 85 and 88 cannot be withdrawn as the claims are under final rejection and are drawn to elected subject matter..



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,693	11/25/2003	William F. Kaemmerer	48169.00016/P0011089.00	3964
<div>67676 7590 09/20/2007</div> <div>FOX ROTHSCHILD, LLP</div> <div>997 LENOX DRIVE</div> <div>LAWRENCEVILLE, NJ 08648</div>				
			<div>EXAMINER</div> <div>WOLLENBERGER, LOUIS V</div>	
			<div>ART UNIT</div> <div>1635</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>09/20/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Notice of Abandonment

Application No.

10/721,693

Examiner

Louis V. Wollenberger

Applicant(s)

KAEMMERER, WILLIAM F.

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 January 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 05 June 2007, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Advisory Action mailed 7/10/07. As the Office failed to record the Advisory in the electronic IFW, Applicant is respectfully requested to provide a copy of the Advisory mailed 7/10/07 so that it may be made of record. See attached interview summary.

/Sean McGarry/
Primary examiner
AU 1635

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Interview Summary

Application No.

10/721,693

Applicant(s)

KAEMMERER, WILLIAM F.

Examiner

Louis V. Wollenberger

Art Unit

1635

All participants (applicant, applicant's representative, PTO personnel):

(1) Louis V. Wollenberger. (3) _____.

(2) Shahnan Sharareh. (4) _____.

Date of Interview: 07 September 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: N/A.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant was informed that a proper reply under 37 CFR 1.113 has not been receive to the Final rejection mailed 1/5/07. Applicant was also requested to provide a copy of the Advisory Action mailed 7/10/07, since no copy can be found in the IFW. Office records indicate the Advisory was mailed, but the Office failed to scan a copy into the electronic IFW.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required